UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

UNITED STATES OF AMERICA		DOCKET NO. 3:07-cr-238-MKR
)	
v.)	ORDER VACATING MAGISTRATE
)	COURT'S MEMORANDUM,
WEALTHY EANES)	RECOMMENDATION, AND
)	ORDER

This matter is before the Court on the consent motion of the parties, submitted by the United States of America on December 3, 2008, to vacate the Memorandum and Recommendation and Order of the Magistrate Court regarding the Defendant's motion to suppress and to dismiss (Document Number 43).

It appears that the parties have agreed, in their signed and filed plea agreement, that the MRO be vacated, and that they have consented to the same (Document Number 61).

It is hereby ordered that the motion be GRANTED, and the Memorandum and Recommendation and Order is hereby vacated.

SO ORDERED this 44 day of December 2008.

CARL HORN, III

U.S. MAGISTRATE JUDGE